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First National Tower, Fourth Floor
Akron, OH 44308-1456

In re Application of :
MILLER, Roy et al. :
U.S. Application No.: 10/554,070 :
PCT No.: PCT/US04/12583 :
Int. Filing Date: 23 April 2004 :
Priority Date: 24 April 2003 :
Attorney Docket No.: AMN.P0005 :
For: LIQUID CRYSTAL ACCESSORIES :

DECISION

This is a decision on Request for Refund, filed in the United States Patent and Trademark Office on 27 July 2006.

BACKGROUND

On 21 October 2005, applicants filed papers for entry into the national stage of PCT/US04/12583, which included the payment of other than small entity fees of \$1400 for a national stage application.

On 27 July 2006, applicants filed this request for the refund of \$700.

DISCUSSION

In the papers filed 27 July 2006, applicants requested a refund of the \$700 paid in October 2005. 37 CFR 1.28 (a) states:

(a) *Refunds based on later establishment of small entity status.* A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

The refund request has a receipt date of 27 July 2006, long past 21 January 2006, the expiration of the three-month time period for requesting a refund.

CONCLUSION

For the above reason, applicants' request for a refund pursuant to 37 CFR 1.28(a) is **DISMISSED** without prejudice.

Any request for reconsideration of this matter should be filed within **TWO (2)** **MONTHS** of the mail date of this decision.

Further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in cursive script that reads "Erin P. Thomson".

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